

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

POWERHOUSE BEVERAGE COMPANY,
LLC, et al.,

Plaintiffs,

-against-

FRANK NAHOUM, et al.,

Defendants.

22-cv-5559 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:


From October 30 to November 1, 2023, the Court held a bench trial on the issue of contract genuineness because the parties had said that resolving that issue would streamline much of this case and the related state cases. The Court issued its opinion on that issue on November 21, 2023. Dkt. 104. With that opinion, the Court requested that each side submit a letter proposing a schedule to finish this case, which they did. *See* Dkts. 105–07. After reviewing the parties’ letters, the Court ORDERS the following:

1. By December 21, 2023, at 5:00 p.m., counsel shall meet and confer in *good faith* regarding which claims *from the pleadings in this case* (Dkts. 10, 25), and which related actions, may be voluntarily dismissed in light of the Court’s November 21 opinion.
2. By December 22, 2023, at 5:00 p.m., each side shall submit a letter listing the remaining claims *from the pleadings* that they wish to pursue. *To be clear, no claims that are not in the pleadings (Dkts. 10, 25) may be asserted.* Counsel shall sign the letter indicating that the continued assertion of the claims is consistent with Fed. R. Civ. P. 11. If the Court later determines that Rule 11 was violated, appropriate sanctions will issue.
3. By January 19, 2024, each side shall submit any motions for summary judgment limited to those claims identified in the December 22 letters as to which the party in good faith believes can be resolved on summary judgment.
4. The evidence presented on any motion for summary judgment, or any response to the motion, must be *admissible evidence previously produced in discovery*. To avoid summary judgment, a party must submit evidence that demonstrates that there is a genuine issue of material fact precluding judgment for the other side.

5. By February 2, 2024, each side shall submit any opposition papers. By February 9, 2024, the parties shall submit any reply papers. The parties should consult the Court's Individual Practices regarding page limits. *The Court will not grant any request for extra pages.*

SO ORDERED.

Dated: December 11, 2023
New York, New York



ARUN SUBRAMANIAN
United States District Judge